

REMARKS

The Applicants are filing this Amendment and Response in response to an Official Action dated May 18, 2007. At the time of the Official Action, claims 1-29 were pending. In this Response and Amendment, claims 6, 14 and 21 are canceled. Accordingly, claims 1-5, 7-13, 15-20 and 22-29 remain currently pending. Claims 1, 5, 7, 9, 13, 15, 17, 21 and 23-29 are amended.

In the Office Action, the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Further, claims 2-8, 13-15, 21-24 and 29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In addition claims 1-4, 6-12, 14-20 and 22-28 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. PG PUB No. 2004/0068560 to Oulu et al., (“the Oulu reference”) in view of U.S. Patent No. 6,714,976 to Wilson et al., (“the Wilson reference”). Claims 5, 13, 21 and 29 were rejected under 35 U.S.C. § 103(a) as being obvious over the Oulo reference in view of the Wilson reference and further in view of U.S. Patent No. 7,103,782 to Tugenberg et al., (“the Tugneberg reference”). The objection and each of these rejections is addressed in detail below.

Objection To The Specification

With respect to objection to the specification, the Examiner stated that “the claimed ‘machine readable medium’ in claim 25 lacks antecedent basis in the specification. Applicants respectfully traverse the objection.

In contrast to the Examiner's assertion, the specification discloses a

WPA 100, which may be adapted to execute on a *processor-based device* such as a computer system or the like, has certain core features of the MVC computing strategy, and various additional features and enhancements to improve its architectural operation and performance.

Application, paragraph 21 (Emphasis added).

As those skilled in the art would appreciate, a tangible machine readable medium may correspond to one of many components forming the above processor-based device on which the WPA 100 is executed. That is, by virtue of disclosing a processor based device and additional components, such as an object cache manger, cookie manager and so forth, the Applicants' specification explicitly, as well as, an inherently teaches a tangible machine readable medium, as recited by claim 25. Again, the Examiner is reminded that the patentee may be his own lexicographer, and that that the written description requirement does not require the claims to recite the same terminology used in the disclosure.

The specification further specifies that:

The WPA 100 may be configured with a variety of *object-oriented programming languages*, such as Java by Sun Microsystems, Inc., Santa Clara, California.

Application, paragraph 15. (Emphasis added.)

This together with Applicants' disclosure stating that WPA can be executed on a processor based device fully support all limitations recited by claim 25. *See*, Application, paragraph 21. That is, in addition to supporting a tangible machine readable medium, the Applicants' specification fully supports the claimed controller generator code, and the transaction tracking

code, recited by claim 25. For at least these reasons, the objection to the specification is erroneous and should be withdrawn.

The Rejections Under 35 U.S.C. § 112

With respect to the rejection of claims 2-8, 13-15, 21-24 and 29 under Section 112, Second Paragraph, the Examiner stated the aforementioned claims recite certain limitations having insufficient antecedent basis in the claims. For example, the Examiner indicated that there is insufficient antecedent basis for the limitation “the system” in claims 2-5, 8 and 24. By further example, the Examiner indicated that there is insufficient antecedent basis for the limitation “the ability” in claims 5-7, 13-15, 21, 23 and 29. Accordingly, the Applicants have amended the aforementioned claims, as well as additional claims, to provide clear antecedent basis for all claim terms. Applicants submit that the rejections of the claims under Section 112 are not applicable to the amended claims. Therefore, withdrawal of all of the rejections under Section 112 is respectfully requested.

The Rejection Under 35 U.S.C. § 103

With respect to the rejection of claims 1-4, 6-12, 14-20 and 22-28 under 35 U.S.C. § 103 as being obvious over the Oulu reference in view of the Wilson reference, the Examiner’s rejection of independent claims 1, 9, 17 and 25 is exemplary:

Claim 1 discloses a presentation architecture for creating applications, the presentation architecture comprising: a controller generator that is adapted to provide an application with a controller that receives a request to perform a transaction and completes the transaction in part, by responding to the request; and transaction tracking logic that is adapted to provide the application with a plurality of transaction managers, each

transaction manager being adapted to record tracking information about transactions of a specific type. Oulu et al teaches an application receives a request and responds to the request (paragraph 34), and a probe tracks data (paragraph 35). It fails to teach of transaction tracking logic that is adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 9 discloses a method of creating applications, the method comprising: creating, with a processor-based device, a controller that receives a request to perform a transaction and completes the transaction by responding to the request; and providing a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Oulu et al teaches an application receives a request and responds to the request (paragraph 34), and a probe tracks data (paragraph 35). It fails to teach of providing a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 17 discloses a system for creating applications, the system comprising: means for providing an application with a controller that receives a request to perform a transaction and completes the transaction by responding to the request; and means for providing the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Oulu et al teaches an application receives a request and responds to the request (paragraph 34), and a probe tracks data (paragraph 35). It fails to teach of providing the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Claim 25 discloses a program, comprising: a machine readable medium; a controller generator stored on the machine readable medium, the controller generator being adapted to provide an application with a controller that receives a request to perform a transaction and completes the transaction by responding to the request; and transaction tracking logic stored on the machine readable medium, the transaction tracking logic being adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Oulu et al teaches using computer-readable medium (paragraph 22), an application receives a request and responds to the request (paragraph 34), and a probe tracks data (paragraph 35). It fails to teach of transaction tracking logic that is adapted to provide the application with a plurality of transaction managers, each transaction manager being adapted to record tracking information about transactions of a specific type. Wilson et al teaches multiple agents monitor multiple types of activity (column 5, lines 26-55).

Oulu et al and Wilson et al are analogous art because they are both related to monitoring applications over a network. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring agents in Wilson et al with the system in Oulu et al because constant polling by the console when monitoring is avoided (Wilson, column 5, lines 26-46).

Office Action, pp. 6-12.

The Applicants respectfully traverse the rejection. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). In establishing a *prima facie* case for obviousness, it is often necessary “to look to interrelated teachings of multiple patents, the effects of demands known to the design community or present in the market place; and the background knowledge possessed by a person having ordinary skill in the art.” *KSR Int’l Co. v. Teleflex, Inc.* No. 04-1350, slip op. at 14 (U.S. April 30, 2007). Indeed, “the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined.” *Id.* at 2 (quoting *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966)). This analysis should be made explicit. *Id.* at 14 (citing *In re Khan*, 441 F.3d 977, 988 (Fed. Cir. 2006)) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”).

Additionally, a claim having several elements is *not* proved obvious merely by demonstrating that each of its elements was known in the prior art. *Id.* As such, the obviousness inquiry does not hinge on demonstrating that elements were known in the art. Rather, the obviousness inquiry focuses on whether the claimed subject matter would have been obvious to persons having ordinary skill in the art in view of the demands and practices of the design community at the time of filing of the application. *See id.*

The rejection of independent claims 1, 9, 17 and 25 is improper because the subject matter recited by the independent claims is not taught or suggested by the Oulu reference, the Wilson reference and/or their hypothetical combination. For example, independent claims 1 and 25 recite transaction tracking logic as part of a presentation architecture, “wherein the transaction tracking logic is adapted to provide the application with *an ability to interface* with a logging program to log data *collected by the plurality of transaction managers.*” (Emphasis added.) Similarly, independent claim 9 recites a method for creating applications using transaction managers, “wherein the applications have *the ability to interface* with a logging program to log data collected by *the plurality of transaction managers.*” (Emphasis added.) Independent claim 17 recites similar subject matter.

In contrast, the Oulu reference discloses a probe installed on an application server:

to allow each such application server to be monitored. The probe 122 operates generally by monitoring and reporting the execution of specific components 104 to measure the execution times of such of components.

Oulu, paragraph, 35.

At best, Oulu teaches a system adapted for monitoring a server's activity. However, there are no teachings in Oulu suggesting that such a system/probe interfaces with an application to log data collected by a plurality of transaction managers. Moreover, in the Office Action, the Examiner acknowledged the fact that the Oulu reference fails to teach *transaction* tracking logic. *See*, Office Action, page 6. Therefore, it would be illogical for Oulu to disclose a logging program that interfaces with the logging program and/or with *transaction* managers. Accordingly, the Oulu reference does not disclose or suggest transaction tracking logic adapted to provide the application with an ability to interface with a logging program to log data collected by the plurality of transaction managers, as recited by independent claims 1 and 25, and as similarly recited by independent claims 9 and 17.

The Wilson reference does not cure these deficiencies because it, too, lacks disclosure or suggestion of an application which has the ability to interface with a logging program to log data collected by the plurality of transaction managers, as recited above by the independent claims. For at least these reasons, the rejection of independent claims 1, 9, 17 and 25 under Section 103 is defective and, therefore, should be withdrawn. Accordingly, the Applicants request the Examiner to allow independent claims 1, 9, 17 and 25, as well as those claims depending therefrom.

Rejection of Dependent Claims 5, 13, 21 and 29

The rejection of dependent claims 5, 13, 21 and 29 under Section 103 is defective for at least the reasons set forth above with respect to the rejection of independent claims 1, 9, 17,

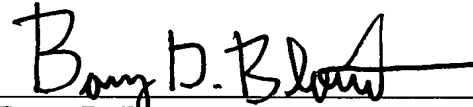
and 25 under Section 103. Moreover, neither the Oulu reference, the Wilson reference nor the supporting Tugneberg reference discloses a system in which applications have the ability to interface with a logging program to log data collected by the plurality of transaction managers. Accordingly, the combination of Oulu, Wilson and Tugenberg cannot render the Applicants' claims obvious. The Applicants therefore respectfully assert that the rejection of dependent claims 5, 13, 21 and 29 under Section 103 is erroneous and should be withdrawn.

Conclusion

In view of the remarks set forth above, the Applicants respectfully request reconsideration of the Examiner's rejections and allowance of all pending claims 1-5, 7-13, 15-20 and 22-29. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: August 10, 2007

A handwritten signature in black ink, appearing to read "Barry D. Blount", written over a horizontal line.

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